

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DEVINO SMITHEN,)
et al.,)
Plaintiffs,)
v.) Case No.: 2:23-cv-127-AMM
BOYD BROS)
TRANSPORTATION, INC.,)
et al.)
Defendants.)

MEMORANDUM OPINION ON MOTION TO DISMISS

This case is before the court on a partial motion to dismiss filed by Defendant Boyd Bros. Transportation, LLC (“Boyd”). Doc. 13. The motion is fully briefed. Docs. 14, 21, 24.

Boyd does not direct this court to any controlling caselaw compelling dismissal of any of Mr. Devino Smithen’s claims, nor does it establish that Mr. Smithen failed to state a claim under Federal Rule of Civil Procedure 12(b)(6). Therefore, the motion is **DENIED**.

DONE and **ORDERED** this 9th day of February, 2024.


ANNA M. MANASCO
UNITED STATES DISTRICT JUDGE